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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Tonya Canady,

10 Plaintiff,

11 v.

12 Bridgecrest Acceptance Corporation,

13 Defendant.
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No. CV-19-04738-PHX-DWL

ORDER

15 Pending before the Court is Plaintiff's motion to seal. (Doc. 116.) For the reasons
16 stated below, the motion is denied without prejudice.

17 The public has a general right to inspect judicial records and documents, such that
18 a party seeking to seal a judicial record must overcome "a strong presumption in favor of
19 access." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). To
20 do so, the party must "articulate compelling reasons supported by specific factual
21 findings that outweigh the general history of access and the public policies favoring
22 disclosure" *Id.* at 1178-79 (internal quotation marks and citations omitted). The
23 Court must then "conscientiously balance the competing interests of the public and the
24 party who seeks to keep certain judicial records secret." *Id.* at 1179 (internal quotation
25 marks omitted). "After considering these interests, if the court decides to seal certain
26 judicial records, it must base its decision on a compelling reason and articulate the factual
27 basis for its ruling, without relying on hypothesis or conjecture." *Id.* (internal quotation
28 marks omitted).

1 Plaintiff asserts that because the motion is “non-dispositive,” the compelling
 2 reasons standard does not apply (Doc. 116 at 2-3), but “public access to filed motions and
 3 their attachments does not merely depend on whether the motion is technically
 4 ‘dispositive.’” *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir.
 5 2016). The “stringent” compelling reasons standard applies to all filed motions and their
 6 attachments where the motion is “more than tangentially related to the merits of a case.”
 7 *Id.* The Court has reviewed the motion and materials (lodged under seal at Doc. 117) and
 8 finds that they are more than tangentially related to the merits. Thus, the compelling
 9 reasons standard applies.

10 Plaintiff gives no reasons to justify sealing, other than the assertion that the
 11 documents at issue were designated as confidential. (Doc. 116 at 3.) This is insufficient.
 12 The mere fact a party has designated certain materials or information as confidential
 13 pursuant to an agreement or stipulation does not establish that any legal standard for
 14 placing those materials or information under seal has been met. *Ctr. for Auto Safety*, 809
 15 F.3d at 1101. Plaintiff has not attempted to “*articulate compelling reasons* supported by
 16 *specific factual findings* that outweigh the general history of access and the
 17 public policies favoring disclosure” *Kamakana*, 447 F.3d at 1178-79 (emphasis
 18 added); *see also* LRCiv 5.6(b) (“Any motion or stipulation to file a document under seal
 19 must set forth a clear statement of the facts and legal authority justifying the filing of the
 20 document under seal”)

21 Thus, the motion is denied without prejudice. To the extent that Plaintiff wishes to
 22 try again,¹ she must include—for each document she wishes to file under seal—a specific
 23 description of the document and compelling reasons for sealing that document, supported
 24 by specific facts. The more specific and compelling the reasons and facts provided are,
 25 the more likely it is that the Court will find that compelling reasons justify sealing the
 26 documents.

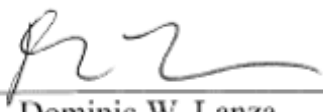
27 ¹ Local Rule 5.6(d) sets forth the procedure when “a party wishes to file a document
 28 that has been designated as confidential by another party pursuant to a protective order or
 confidentiality agreement.” It may be that Defendant, rather than Plaintiff, will file a
 renewed motion to seal. The guidelines set forth in this order would equally apply.

1 In any event, the Court is unlikely to seal the lodged motion in its entirety. If
2 Plaintiff seeks to seal only certain portions of a given document, the unredacted version
3 of the document, which should be lodged under seal pursuant to LRCiv 5.6(c), must
4 include highlighting to indicate which portions of the document Plaintiff seeks to redact.
5 This facilitates the Court's review and is part of the Court's standard protective order.
6 (Doc. 88 at 5-6.)

7 Accordingly,

8 **IT IS ORDERED** denying without prejudice Plaintiff's motion to seal (Doc.
9 116).

10 Dated this 12th day of August, 2022.

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15 Dominic W. Lanza
16 United States District Judge
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